

#11/SD/MS
8/28/01
RECEIVED
AUG 28 2001
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 098602-0297

In re patent application of

Annie FONG et al.

Serial No. 09/186,475

Filed: November 4, 1998

For: METHOD OF DETERMINING AN EFFICACIOUS DOSE OF A DRUG



Group Art Unit: 1642

Examiner: S. Ungar

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 24, 2001, applicants set forth below elections of species.

In response to election of species requirement set forth in section 2(A) of the Office Action, applicants hereby elect (a) cell proliferation. Applicants note that, in claim 3, all of the diseases read on the elected species. Therefore, in response to the further requirement set forth in 2(A) that applicants elect a single specific disease species for examination, applicants hereby elect cancer.

In response to the election of species requirement set forth in section 2(B) of the Office Action, applicants hereby elect (b) FLk-1.

In response to the election of species requirement set forth in section 2(C) of the Office Action, applicants hereby elect, from claim 8, compound (a).

In response to the election of species requirement set forth in section 2(D) of the Office Action, applicants hereby elect (a) whole blood or fraction thereof.

In response to the election of species requirement set forth in section 2(E) of the Office Action, applicants hereby elect protein phosphorylation (Claim 15). In response to the further requirement, set forth in section 2(E) of the Office Action, that applicants elect a single specific marker species for examination, applicants hereby elect protein and note that, in view of such an election, claims 20-22, 27 and 32 no longer apply.

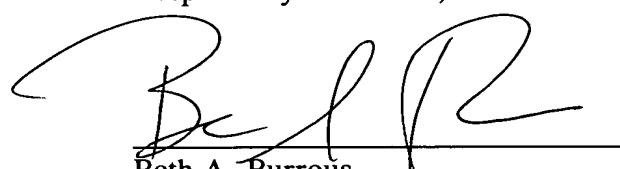
In response to the election of species requirement set forth in section 2(F) of the Office Action, applicants hereby elect (a) an antibody assay.

In response to the requirement, set forth in section 2(G) of the Office Action, that applicants specifically disclose which of the assays claimed in claim 28 read on the election in section 2(F) of the Office Action, applicants note that (b) detection with antibodies, (e) ELISA and (f) solid phase enzyme immunoassay read on the election in section 2(F) of the Office Action. In response to the requirement, set forth in section 2(G) of the Office Action, that applicant elect a single marker species for examination, applicants hereby elect detection with antibodies. Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

August 24, 2001
Date


Beth A. Burrous
Registration No. 35,087

FOLEY & LARDNER
Suite 500
3000 Street, NW
Washington, DC 20007-5109
(202) 672-5300